

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

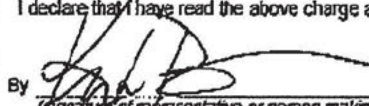
FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
12-CA-26252Date Filed
3-31-09

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Edward Waters College	b. Tel. No. (904) 366-1504
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1658 Kings Road Jacksonville, FL 32209	e. Employer Representative Brennan, Manna & Diamond, P.L. 76 S. Laura Street Ste. 2110 Jacksonville, FL 32202
	g. e-Mail
i. Type of Establishment (factory, mine, wholesaler, etc.) College	h. Number of workers employed 100+
j. Identify principal product or service Education	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1), 8(a)(3) and 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) In February 2009, Employer terminated nearly 40 to 45% of its faculty, many of whom were union members. Upon information and belief, many of those terminated were chosen for termination based on their union affiliation and participation in the union. In addition, in carrying out these terminations, Employer failed to follow the requirements set forth in the parties' collective bargaining process, thereby unilaterally changing the terms and conditions of employment.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) American Association of University Professors, Edward Waters College Chapter	
4a. Address (Street and number, city, state, and ZIP code) The Law Office of Kirsten Doolittle, P.A. 1022 Park Street, Suite 405 Jacksonville, FL 32204	4b. Tel. No. (904) 350-2605
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No. (904) 350-2604
	4e. e-Mail kd@kdlawoffice.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Association of University Professors	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  Kirsten Doolittle, Esq. (signature of representative or person making charge) (Print/type name and title or office, if any)	
Address 1022 Park Street, Ste. 405, Jacksonville, FL 32204	
March 30, 2009 (date)	
Tel. No. (904) 350-2605	
Office, if any, Cell No. (b) (6), (b) (7)(C)	
Fax No. (904) 350-2604	
e-Mail kd@kdlawoffice.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 12
201 E. Kennedy Boulevard, Suite 530
Tampa, Florida 33602-5824

Telephone 813-228-2641
Facsimile 813-228-2874
www.nlr.gov

April 1, 2009

Edward Waters College
1658 Kings Road
Jacksonville, FL 32209

Re: Edward Waters College
Case: 12-CA-26252

Dear Sir or Madam:

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter. Also enclosed is a statement (Form NLRB-4541) briefly setting forth our investigation and voluntary adjustment procedures.

I would appreciate receiving from you a full and complete written account of the facts and a statement of your position with respect to the allegations of the charge. Also, please complete and return one copy of the enclosed questionnaire regarding commerce information (Form NLRB-5081).

The case has been assigned to the office shown below. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. **Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.**

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for

instructions). Of course, the Agency will continue to accept timely filed paper documents.

It would be helpful if you would furnish this office with your or your representative's e-mail address for use by the Region for casehandling.

Please also note the attached notice "Qualifying For Backpay And Other Monetary Remedies."

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event that you choose to have a representative appear on your behalf, please have your representative complete Form NLRB-4701, "Notice of Appearance," and forward it promptly to this office. Please note that NLRB Form 4701 may be executed by your designated representative. Also enclosed is NLRB Form 4541, which explains some basic unfair labor practice case procedures.

Assistance is available for persons with limited English proficiency. Requests for such assistance should be communicated to the assigned office, as listed below, as early as possible.¹

Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available upon request from the Regional Office. Your cooperation in this matter is invited so that all facts of the case may be considered.

Very truly yours,



Rochelle Kentov
Regional Director

Enclosures

**Assigned To: Jacksonville, FL 32202 Tel. No.: 904-232-3768 Address: 550
Water St., Suite 340,**

cc: Kirsten Doolittle, Esq.
The Law Office of Kristen Doolittke, P.A.
1022 Park Street, Suite 405
Jacksonville, FL 32204

Brenna, Manna & Diamond, P.L.
76 S. Laura Street
Suite 2110
Jacksonville, FL 32202

¹ The National Labor Relations Board will provide assistance to individuals with limited English. If you or anyone involved in this case is in need of assistance due to their limited English, please advise this Office as soon as possible.

La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

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**COMMUNICATIONS WITH REGIONAL, SUBREGIONAL AND RESIDENT OFFICES ELECTRONICALLY
THROUGH THE AGENCY'S WEBSITE AND WITH BOARD AGENT BY INTERNET E-MAIL**

FILING DOCUMENTS WITH REGIONAL, SUBREGIONAL AND RESIDENT OFFICES: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website:

<http://www.nlr.gov>

On the home page of the Agency's website, click on the "E-Gov" tab and choose the E-Filing link on the pull-down menu. When this page opens, click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. Utilization of the E-Filing form on the Agency's website to file documents is permitted under Section 102.114, notwithstanding any contrary provisions in the Board's Rules and Regulations. The following documents may be sent to a Regional, Subregional or Resident Office electronically through the Agency's website:

Position Statements
Notices of Appearance
Requests for an Extension of Time for Filing of Documents Due to
 Be Filed With a Regional Director or Hearing Officer
Requests for Postponement of a Hearing Due to be Filed With a
 Regional Director or Hearing Officer
Excelsior Lists
Observer Designations
Requests to Proceed
Withdrawal Requests
Disclaimers of Interest
Election Objections and Evidence in Support
Representation Case Briefs to the Regional Director/Hearing Officer
Briefs to Administrative Law Judges to be served on Counsel for the General Counsel
Unfair Labor Practice Exceptions and Briefs to the Board to be served
 on Counsel for the General Counsel
Answers to Complaints or Compliance Specifications
Motions for Summary Judgment and responses to such motions to be filed with the
 Regional Director or Counsel for the General Counsel
Petitions to Revoke Subpoenas and responses to such petitions to be filed with the
 Regional Director or Counsel for the General Counsel
Motions for Bill of Particulars to be filed with the Regional Director
Any document filed electronically with the Board in accordance with the Board's E-Filing Project

Provided that:

- For any Answer to a Complaint or Compliance Specification, the document being filed electronically should be in a pdf format, as described below, that includes the signature of counsel or non-attorney representative for represented parties or the signature of the party if not represented. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the required signature, then the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Any document submitted to a Region electronically must be complete.
Any attachments must be converted into electronic form and included as part of the document.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties

and/or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlrb.gov>) as outlined above

E-FILINGS MUST BE TIMELY

The Agency will accept electronic filings up to 11:59 pm in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations. The responsibility for the receipt and usability of electronic filings rests exclusively upon the sender. Unless the Agency's E-Filing system is determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file a document will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason.

PREFERRED DOCUMENT FORMAT IS PDF

The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Board's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt).

DOCUMENTS MUST BE VIRUS-FREE

Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

ALL DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE

All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS

Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

QUESTIONS

Any questions about the General Counsel's, Division of Judges' or the Board's E-filing policies should be directed to an NLRB Information Officer during regular business hours.

QUALIFYING FOR BACKPAY AND OTHER MONETARY REMEDIES

We have just begun the process of investigating your charge, thus no determination has been made with regard to the merits of your case. However, it is important that you understand your obligations to look for work in order to qualify for backpay in the event we should determine that your case has merit.

In the event that backpay and/or other reimbursement is due to you as part of the remedy for the unfair labor practice you are alleging—for instance, an unlawful discharge or refusal to hire—the Board requires that you mitigate (offset) the backpay by beginning to look for another job in the same or similar line of work promptly. If you are not able to establish that you have actively sought to mitigate damages, you face the risk of having whatever money is owed to you to be tolled (cut off.) We strongly urge you to keep careful records of when and where you have sought employment. To make this easier, we are providing you with a form which you should keep updated as to your search for work.

If this charge is being filed by a labor organization on behalf of one or more employees, we urge the union to provide the region with a list of the names and addresses of all discriminatees who might be entitled to backpay. Please speak to the agent assigned to this case about identifying any and all potential backpay claimants.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 12

201 East Kennedy Boulevard, Suite 530

Tampa, FL 33602-5824

Telephone: 813-228-2641

Facsimile: 813-228-2874

Website: www.nlrb.gov

May 21, 2009

Re: Edward Waters College
12-CA-26252

Mr. Michael R. Freed, Esq.
Mr. Andrew K. Kantor, Esq.
Brenna, Manna & Diamond, P.L.
76 S. Laura Street
Suite 2110
Jacksonville, FL 32202

Dear Messrs Freed and Kantor:

This is to advise you that, with my approval, the charge in the above-captioned case has been withdrawn.¹

Very truly yours,

Karen K. LaMartin
Acting Regional Director

cc: Kirsten Doolittle, Esq.
The Law Office of Kristen Doolittle, P.A.
1022 Park Street, Suite 405
Jacksonville, FL 32204

(b) (6), (b) (7)(C)
Edward Waters College
1658 Kings Road
Jacksonville, FL 32209

¹ Only with respect to the allegations that the Employer repudiated the collective bargaining agreement with Union and failed to provide information requested by the Union.



United States Government
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Region 12
Suite 530
201 East Kennedy Boulevard
Tampa, Florida 33602-5824

Telephone 813-228-2641
Fax 813-228-2874
www.nlrb.gov

May 22, 2009

Mr. Andrew K. Kantor, Esq.
Brennan, Manna & Diamond, P.L.
76 S. Laura Street, Suite 2110
Jacksonville, FL 32202

Kirsten Doolittle, Esq.
The Law Office of Kristen Doolittle, P.A.
1022 Park Street, Suite 405
Jacksonville, FL 32204

Re: Edward Waters College
Case No. 12-CA-26252

Dear Mr. Kantor and Ms. Doolittle:

The Region has carefully considered the charge filed against Edward Waters College (the Employer) alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

Deferral Policy: Under the Board's deferral policy as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971) and *United Technologies Corp.*, 268 NLRB 557 (1984), this Agency will withhold making a final determination on certain arguably meritorious unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge to the grievance/arbitration process for the following reasons:

1. The charge raises the following issues: Whether in February 2009, the Employer laid off or discharged certain members of the faculty in retaliation for their union activities and in violation of the collective

bargaining agreement and whether the Employer had an obligation to bargain over the decision or the effects of the decision to close or consolidate certain departments.

2. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
3. The Employer notified this office in writing on May 21, 2009, that it is willing to process grievances concerning the above allegations in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
4. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that the allegations may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and under certain circumstances will resume processing the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Inquiries and Requests for Further Processing: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge, or for issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may request this office to review the arbitrator's award. The request must be in writing and addressed to me. The request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further

guidance on the nature of this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

Charging Party's Right to Appeal: The National Labor Relations Board Rules and Regulations permit the Charging Party to obtain a review of this action by filing an appeal with the **General Counsel** of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to defer your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001. **A copy of the appeal should also be mailed to me.**

An appeal may also be filed electronically by using the e-filing system on the Agency's website. In order to file an appeal electronically, please go to the Agency's website at www.nlrb.gov and under **E-Gov** select **E-Filing**, then scroll to **General Counsel's Office of Appeals**. Select **File an Appeal or other document**. The website will contain detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. ET on June 5, 2009**, unless electronically filed. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. If you file the appeal electronically, it will be considered timely filed if the transmission of the **entire document** through the Agency's website is accomplished **no later than 11:59 p.m. ET** on the due date.

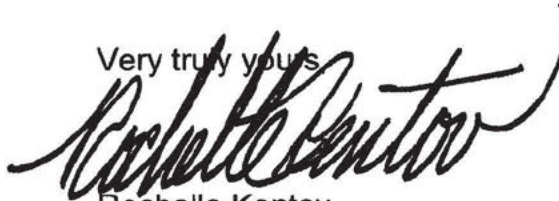
Extension of Time to File Appeal: Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject

to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

Notice to Other Parties of Appeal: You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,



Rochelle Kentov
Regional Director

Enclosures:

Forms: NLRB-4767, Appeal Form
NLRB-5433, Notice to Arbitrator
NLRB-5503, Access Code Certificate

RK/ds

cc:

General Counsel, Office of Appeals

Mr. Michael R. Freed, Esq.
Managing Partner
Brennan, Manna & Diamond, P.L.
800 West Monroe Street
Jacksonville, FL 32202

(b) (6), (b) (7)(C)

Edward Waters College
1658 Kings Road
Jacksonville, FL 32209

FORM NLRB-5433
(7-99)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number : 12-CA-26252

NLRB Case Name : Edward Waters College

A determination has been made by the Regional Director of Region 12 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above-mentioned matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge. So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby request that a copy of the arbitration award be forwarded to Regional Director _____ at **Fifth Third, 201 East Kennedy Boulevard, Suite 530, Tampa, Florida 33602** at the same time that it is sent to the parties to the arbitration.

(Name)

(Title)



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 12
201 E. Kennedy Boulevard, Suite 530
Tampa, Florida 33602-5824

Telephone 813-228-2641
Facsimile 813-228-2874
www.nlr.gov

December 15, 2010

Andrew K. Kantor, Esq.
Partner
Brenna, Manna & Diamond, P.L.
76 S. Laura Street, Suite 2110
Jacksonville, FL 32202

Re: Edward Waters College
Case 12-CA-26252

Dear Mr. Kantor:

The charging party's request to withdraw the charge against Edward Waters College is based upon a private agreement between the parties on the matters underlying this charge. I have approved this withdrawal request, conditioned on the performance of the undertaking in the private agreement between the parties.

The charge is subject to reinstatement for further processing if the charging party's request for reinstatement is supported by evidence of noncompliance with the undertaking in the private agreement.

Very truly yours,

Rochelle Kentov
Regional Director

ds

cc:

Michael R. Freed, Esq.
Managing Partner
Brennan, Manna & Diamond, P.L.
800 West Monroe Street
Jacksonville, FL 32202

Kirsten Doolittle, Esq.
The Law Office of Kirsten Doolittle, P.A.
1022 Park Street, Suite 405
Jacksonville, FL 32204

Edward Waters College
1658 Kings Road
Jacksonville, FL 32209